IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

Bail Appl..No. 4016 of 2007()

CRIME NUMBER NOT KNOWN

: PETITIONER

ABDUL AZIZ,S/O,.MOHAMMED, AGED 44 YEARS,
SADAM MANZIL,
PAPER MILL P.O,
CHALAKODU, PUNALOOR.

BY ADV. SRI.E.D.GEORGE

RESPONDENTS: RESPONDENTS

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1. STATE OF KERALA,REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

2. CIRCLE INSPECTOR OF POLICE,PUNALOOR.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4016 of 2007

Dated this the 4th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner is the 1st accused in a crime registered under Section 420 I.P.C. His wife is the 2nd accused. The petitioner apprehended arrest in another crime. He applied for anticipatory bail. He was permitted to surrender before the Investigating Officer or the learned Magistrate. When he prepared himself to surrender before the Investigating Officer, it came to his knowledge that yet another crime has been registered against the petitioner. The petitioner does not know the number and details of such crime. He has come to this Court seeking anticipatory bail.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has not committed any offence. Appropriate directions may be issued under Section 438 Cr.P.C, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor on instructions submits that a complaint has been forwarded by the Magistrate to the police under Section 156(3) Cr.P.C. Accordingly, a crime has been registered under Section 420 I.P.C against the petitioner and his wife. The crux of the allegations is that he sold an item of property to the

defacto complainant without revealing the prior encumbrance on the property. The learned Public Prosecutor submits that State has no objection in grant of anticipatory bail to the petitioner subject to appropriate conditions to be imposed in the interests of a fair, efficient and expeditious investigation.

4. I am satisfied in the circumstances of this case that directions under Section 438 Cr.P.C can be issued in favour of the petitioner. This petition is, accordingly allowed and the following directions are issued.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 11.07.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 1p.m on 12.07.2007 and 13.07.07 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 11.07.07 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 11.07.07.

5. The learned counsel for the petitioner submits that the petitioner's wife identically situated may also be given the benefit of this order. As the petitioner was not aware that she has been arrayed as an accused, she has not sought anticipatory bail. I am satisfied, that it can be clarified that the petitioner's wife, the 2nd accused can also take advantage of this order by surrender and applying for bail before the learned Magistrate.

(R.BASANT, JUDGE)

rtr/-